

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SLOANE STANLEY,

Petitioner,

v.

KEVIN HANSON,

Respondent.

CASE NO. 2:21-cv-01207-JHC-TLF

ORDER

The Court has reviewed the Report and Recommendation, Petitioner’s Objections to Report and Recommendation, the petition for writ of federal *habeas corpus* relief, and the remaining record. In the Objections to Report and Recommendation, filed February 7, 2022, Petitioner seeks to amend his initial *habeas corpus* petition to include an additional prayer for relief: “that the State be enjoined from detaining [him].” Dkt. 12 at 2. He argues that this amendment would bring his case outside the *Younger* abstention doctrine, because it would constitute a challenge to pretrial detention distinct from the underlying criminal prosecution. *Id* at 3 (citing *Arevalo v. Hennessy*, 882 F.3d 763 (9th Cir. 2018)). However, Petitioner does not raise any structural arguments with respect to the conditions of his detention, such as the failure to provide a constitutionally sufficient bond hearing, as was the case in *Arevalo*. Instead, all of

1 Petitioner's arguments regarding the illegality of his pretrial detention are grounded in the merits
2 of his case; therefore, the pending state proceedings provide an adequate opportunity for
3 Petitioner to address the federal issues raised in the petition. Accordingly, the proposed
4 amendment does not bring this petition outside the bounds of the *Younger* abstention doctrine.
5 Further, the Court finds that no reasonable jurist would disagree that a federal court should
6 abstain from interfering with petitioner's pending criminal proceedings, and that a Certificate of
7 Appealability should be denied.

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9 Accordingly, the Court hereby finds and ORDERS:

- 10 (1) The Magistrate Judge's report and recommendation is approved and adopted;
11 (2) Petitioner's federal habeas corpus petition is DISMISSED without prejudice; and
12 (3) The Clerk is directed to send copies of this Order to Petitioner, to Magistrate Judge

13 Theresa L. Fricke and to any other party that has appeared in this action.

14 Dated this 3rd day of May, 2022

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17 John H. Chun
18 United States District Judge
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